

INSTRUCTIONS FOR CHARITABLE ORGANIZATION PERMIT APPLICATION FORM

General Instructions. Please respond to each paragraph as requested. Responses such as “see contract” are not acceptable. If any information becomes incorrect or incomplete, you must file the complete information or correct your application within thirty (30) days after the information becomes incorrect or incomplete.

Your permit will expire on the earlier of January 1, April 1, July 1, or October 1 following the completion of 12 months after the date of its initial issuance. You will subsequently need to renew your permit annually on that date. There is an annual registration fee. In addition to the registration fee, if you fail to file a permit application or renewal by the due date or if you file an incomplete application for renewal, you will be required to pay an additional fee of \$25 for each month or part of a month after the date on which your application was to be filed. Please note that the Charitable Solicitations Act does not allow for extensions.

You may file the Unified Registration Statement (URS) in place of this application provided that you include with the completed URS form your completed response to the Supplement To Unified Registration Statement. The Charitable Solicitations Act should be referred to for definitions of terms used in the URS.

Specific Instructions for Charitable Organization Permit Application Form.

PART I

Paragraph 1: State your organization’s legal name.

Paragraph 2: State any previous name used by the organization and any other names the organization may be identified as or known as. Include any distinctive name used by the organization for purposes of solicitation.

Paragraph 3: State both the organization’s street address and the contact person’s mailing address.

Paragraph 4: Indicate the type of legal entity that the organization has formed and provide the accompanying documentation.

Paragraph 5: State the name and telephone number of the person to be contacted by the Division if there are questions concerning the application or other matters pertaining to the organization’s operations.

Paragraph 6: Indicate whether there are any organizations or persons controlled by, controlling, or affiliated with your organization.

Paragraph 7: State the name, address, contact person, telephone number, and facsimile number of any organization or persons controlled by, controlling or affiliated with your organization. Attach additional sheets if necessary.

PART II

Paragraph 1: The purpose of this section is to identify whether your organization either uses or is a “parent foundation.” A parent foundation is defined to mean a charitable organization which charters or affiliates local units under terms specified in the parent charitable organization’s charter, articles of organization, agreement of association, instrument of trust, constitution or other organizational instrument or bylaws. If your organization uses or is a parent foundation, complete Paragraphs 2 and 3. If not, then skip to Part III.

Paragraphs 2 and 3: State the name, address, contact person, telephone number and facsimile number of your parent foundation or the local units that are chartered or affiliated with your organization. Indicate the state where these organizations are currently registered.

Paragraph 4: Provide a copy of a current contract with the parent foundation, if applicable.

PART III

Paragraph 1: Indicate whether your organization uses professionals or volunteers to solicit directly.

Paragraph 2: The purpose of this section is to identify whether your organization uses professional fund raisers, fund raising counsel or consultants. A “professional fund raiser” is defined as any person who (1) for compensation or any other consideration solicits contributions for charitable purposes, or plans or manages the solicitation of contributions for or on behalf of any charitable organization or any other person; (2) engages in, or holds himself out to persons in this state as being independently engaged in, the business of soliciting contributions for a charitable organization; (3) manages, supervises, or trains any solicitor whether as an employee or otherwise; or (4) uses a vending device or vending device decal for financial or other consideration that implies a solicitation of contributions or donations for any charitable organizations or charitable purposes. A “professional fund raiser” does not include a bona fide officer, director, volunteer, or full-time employee of a charitable organization. A “professional fund raising counsel or consultant” is defined as a person who (1) for compensation plans, manages, advises, counsels, consults, or prepares material for, or with respect to, the solicitation in this state of contributions for a charitable organization, whether or not at any time the person has custody of contributions from a solicitation; (2) does not solicit contributions; and (3) does not employ, procure, or engage any compensated person to solicit or receive contributions. A “professional fund raising counsel or consultant” does not include an attorney, investment counselor, or banker who in the conduct of that person’s profession advises a client when actually engaged in the giving of legal, investment, or financial advice. If your organization uses a professional fund raiser or professional fund raising counsel or consultant, complete paragraphs 2, 3 and 4. If not, then skip to Part IV.

Paragraphs 3 and 4: State the name, address, telephone number and facsimile number for each professional fund raiser and professional fund raising counsel or consultant that is to be used during the upcoming year. Attach additional sheets if necessary. Indicate the dates that your contracts with these entities become effective and will terminate. In addition, if known, indicate the states where these entities are currently registered.

Paragraph 5: List the amount paid to professional fund raisers, professional fund raising counsel or consultants during the previous year

Paragraph 6: Provide a copy of the applicant's current contract with each professional fund raiser, professional fund raising counsel or consultant that the applicant utilizes.

PART IV

Paragraph 1: The purpose of this section is to identify any commercial co-venturers that your organization has agreed to use in any charitable sales promotion. A "commercial co-venturer" is defined as a person who for profit is regularly and primarily engaged in trade or commerce other than in connection with soliciting for charitable organizations or purposes. "Charitable sales promotion" means an advertising or sales campaign, conducted by a commercial co-venturer, which represents that the purchase or use of goods or services offered by the commercial co-venturer will benefit, in whole or in part, a charitable organization or purpose. The Charitable Solicitations Act requires that your agreement with the commercial co-venturer be in writing. The commercial co-venturer is required to disclose in each advertisement for a charitable sales promotion the dollar amount or percent per unit of goods or services purchased or used that will benefit the charitable organization or purpose. In addition, the commercial co-venturer is required to keep the final accounting for each charitable sales promotion conducted in this state for three years after the final accounting date and to make the accounting available to the division upon request. If your organization will use a commercial co-venturer, complete paragraphs 2 and 3. If not, skip to Part V.

Paragraphs 2 and 3: State the name, address, telephone number and facsimile number of each commercial co-venturer. Attach additional sheets if necessary. Indicate the date that the charitable sales promotion is expected to commence. This will satisfy the notice requirement of U.C.A. § 13-22-22(1) for the charitable sales promotion that is being referred to. If your organization agrees to permit another charitable sales promotion to be conducted by a commercial co-venturer that is not disclosed in your application, you must file with the Division a similar notice prior to the commencement of the charitable sales promotion.

PART V

Paragraph 1: State the charitable purpose for which the contributions are being solicited by your organization. Charitable purpose means "any benevolent, educational, philanthropic, humane, patriotic, religious, eleemosynary, social welfare or advocacy,

public health, environmental, conservation, civic, or other charitable objective or for the benefit of a public safety, law enforcement, or firefighter fraternal association.”

PART VI

The purpose of this Part is to determine the percentage of contributions collected that remain available for application to the charitable purposes declared in Part V Paragraph 1. This percentage will be included in the information that the division provides to the public.

Paragraph 1: The information provided in this paragraph should be taken from the most recently filed IRS Form 990, 990EZ, or 990PF. If the charitable organization has not filed either of these forms during the calendar year immediately preceding the date of the application or if the charitable organization is not otherwise required to file the form with the IRS, then the numbers may be taken from the organization’s financial statement for the calendar year immediately preceding the date of the application. Please provide a copy of the signed IRS Form 990 or annual financial statement that you rely upon for the information given in this section. Financial statements must include a Schedule of Functional Costs prepared under SOP98-2. Please note, an applicant who is not required to file an IRS Form 990 with the IRS may still choose to provide a completed IRS Form 990 in lieu of the applicant’s annual financial statements. An initial applicant filing with no previous financial information is required to provide pro forma financial statements or budgets, which include a Schedule of Functional Costs, and complete the following. The information that you provide in this paragraph will not substitute for your filing with the division a copy of your IRS Form 990 as required in Part X below.

Line A: This is the fiscal year ending date of the report that you use in arriving at the numbers in the following lines.

Line B: The number for this line is the number found on line 1d of the IRS Form 990 or line 1 of the 990EZ. If either Form is not used, line B is the total contributions from all sources.

Line C: The number for this line is the number found on line 15 of the IRS Form 990. There is no corresponding line on the 990EZ. If the IRS Form 990 is not used, then line C is the total fund raising costs expended by your organization.

Line D: The number for this line is the number found on line 14 of the IRS Form 990. There is no corresponding line on the 990EZ. If the IRS Form 990 is not used, then line D is the total management and general costs of your organization. If your organization has expenses for fundraising and/or management and general costs that were not required to be reported on lines 14 or 15 on the IRS Form 990 because they were correctly reported elsewhere, the Utah Charitable Solicitations Act requires that all expenses incurred in conducting fundraising and/or management and general activities be reported on lines C and D respectively. This includes all donated supplies, payments, and equipment used by related organizations and persons.

Line E: The number on this line is the percentage of contributions expended on fund raising. This percentage is arrived by dividing line C by line B.

Line F: The number on this line is the percentage of contributions expended on both fund raising and management. To arrive at this figure, first add lines C and D. Then divide the sum of these two lines by line B.

Line G: The number on this line is the percentage of contributions that remained available to the public purposes declared in the application. This number is arrived at by subtracting line F from 100%.

Paragraph 2: Please state the total amount of contributions collected from Utah donors in the fiscal year reported in paragraph one of this part.

PART VII

Paragraphs 1 and 2: State the method of solicitation and dates for the commencement and termination of each solicitation campaign for the upcoming year. Also identify the methods to be used by your professional fund raisers and professional fund raising counsel or consultants.

Paragraph 3: Provide a copy of any telephone transcript to be used in your solicitations.

Paragraph 4: Indicate whether or not your organization will use a vending device. If yes, then complete paragraphs 4, 5 and 6. If not, then skip on to Part VIII. "Vending device" means a container used by a charitable organization or professional fund raiser, for the purpose of collecting a charitable solicitation, contribution, or donation whether or not the device offers a product or item in return for the contribution or donation. "Vending device" includes machines, boxes, jars, wishing wells, barrels, or any other container.

Paragraphs 4a, 4b, and 4c: Indicate the type and location of the vending devices used. Also, indicate the length of time the vending device will be utilized, including the beginning and expiration dates.

PART VIII

Paragraph 1: Be as complete as you can in describing the nature and the current status of any injunction or administrative order issued against any of your officers, managers, operators, principals, agents, or employees. Provide a copy of the order with this application.

Paragraph 2: Be as complete as you can in describing the nature and the current status of any criminal conviction of any of your officers, managers, operators, principals, agents, or employees for crimes involving moral turpitude. Crimes of moral turpitude are crimes that are based on moral depravity or, in other words, crimes other than minor traffic offenses or other similar infractions. Provide a copy of the order with this application.

PART IX

Paragraph 1: Provide the name, address, telephone number and facsimile number of your registered agent. Your registered agent is the person or entity authorized to accept service of process on behalf of your organization.

Paragraph 2: List the name, address, and telephone number of your organization's partners, principals, officers, and directors. The telephone numbers can be the day time work telephone numbers.

PART X

Paragraph 1: Please indicate whether the applicant has conducted activities regulated by the Charitable Solicitations Act, Utah Code Title 13, Chapter 22, without being duly registered with the Division. This includes soliciting, requesting, promoting, advertising, or sponsoring a charitable solicitation in the state of Utah without being duly registered with the Division.

Paragraph 2: Please describe any such activity, including how much was collected, who actually coordinated and scheduled the solicitation(s), the dates of the solicitation(s), and the number of pieces mailed and/or the number of solicitations made for each date indicated.

PART XI

Signatures: Your application must be signed by a person authorized by the organization to sign on its behalf. A photocopy will not be accepted. The person signing the application on behalf of the charitable organization: affirms that the application is complete and not misleading; understands that the application is subject to audit; and acknowledges that fund raising in Utah will not commence until both the charitable organization, its parent foundation, if any, and the professional fund raiser or professional fund raising counsel or consultant are registered and in compliance with the Utah Charitable Solicitations Act.

Documents to Attach: A copy of each of the documents that are listed must accompany your application. In most cases, the document needs to be submitted only with the initial application unless the document has been amended, restated or replaced since the initial application was filed. A copy of the IRS Form 990, 990EZ or 990PF, if required to be filed, should be included with each application.